



Eric Milstead
Director

Legislative Services Office Idaho State Legislature

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MEMORANDUM

TO: Senators MORTIMER, Thayn, Buckner-Webb and,
Representatives DEMORDAUNT, VanOrden, Pence

FROM: Brooke Brouman - Principal Legislative Research Analyst

DATE: July 08, 2015

SUBJECT: Temporary Rule

IDAPA 08.05.01 - Rules Governing Seed and Plant Certification - Temporary Rule - Docket No.
08-0501-1502

We are forwarding this temporary rule to you for your information only. No analysis was done by LSO. This rule is posted on our web site. If you have any questions, please call Brooke Brouman at the Legislative Services Office at (208) 334-4834. Thank you.

Attachment: Temporary Rule

Mike Nugent, Manager
Research & Legislation

Cathy Holland-Smith, Manager
Budget & Policy Analysis

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IDAPA 08 - STATE BOARD OF EDUCATION
08.05.01 - RULES GOVERNING SEED AND PLANT CERTIFICATION
DOCKET NO. 08-0501-1502
NOTICE OF RULEMAKING - ADOPTION OF TEMPORARY RULE

EFFECTIVE DATE: The effective date of the temporary rule is May 20, 2015.

AUTHORITY: In compliance with Sections 67-5226, Idaho Code, notice is hereby given this agency has adopted a temporary rule. The action is authorized pursuant to Section 22-1504, Idaho Code.

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule:

The temporary rule conveys a benefit to the Idaho seed and crop production industries and amends the standards necessary to comply with the imposed quarantine on some US seed and potatoes being exported by specifying the required seed testing in the amended standards that are incorporated by reference. Additional, changes streamline the standards by removing requirements and language around process that are unnecessary in the standard.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section 67-5226(1)(a), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

In 2014, the ICIA standards were incorporated into Board rule exactly as they were published by the ICIA and available to the public through the ICIA web-site. This action brought the standards into compliance with Sections 22-1504 and 22-1505, Idaho Code (which require promulgation of the seed certification standards under the Idaho Administrative Procedures Act (IDAPA) process), and did so in a fashion that did not disrupt the crop seed industry which had been operating under the existing standards for over 50 years. Following the incorporation of the rules into Administrative Rule, the ICIA reviewed its published standards and determined that a significant portion of the materials published on the website fall outside of the standards and are more accurately defined as processes. To address this, ICIA has created separate documents each for the actual standards and for the processes that are used for establishing whether the standards are met for a particular crop. These revisions make the standards more concise and easier to read and incorporate testing requirement necessary to re-open a 5,000 metric ton market in South Korea, which has imposed a quarantine on US potatoes until seed testing includes testing for the causal agent of zebra chip, *Candidatus liberibacte*.

FEE SUMMARY: Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein: NA

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the temporary rule, contact Tracie Bent, Chief Planning and Policy Officer, at (208)332-1582 or tracie.bent@osbe.idaho.gov.

DATED this 5th Day of June, 2015.

Tracie Bent
Chief Planning and Policy Officer
Idaho State Board of Education
650 W State St
PO Box 83720
Boise, ID 83720-0037

THE FOLLOWING IS THE TEXT OF THE TEMPORARY RULE FOR DOCKET NO. 08-0501-1502
(Only those Sections being amended are shown.)

004. INCORPORATION BY REFERENCE.

The following documents are incorporated by reference into this rule. The Idaho Seed and Plant Certification Standards are adopted by the Idaho Crop Improvement Association. Copies of the following documents may be obtained from the Idaho Crop Improvement Association, Inc. website at <http://www.idahocrop.com/index.aspx>, or from the Idaho Crop Improvement Association, Inc. office. (4-6-15)

01. General Seed Certification Standards ~~Prohibited Noxious Seed in Idaho Certified Seed~~. The ~~standard Prohibited Noxious Seed in Idaho Certified Seed~~ ~~General Seed Certification Standards~~ of the Idaho Crop Improvement Association, Inc., as last modified and approved on ~~February 25, 2014~~ March 17, 2015.
(4-6-15)(5-20-15)T

02. Seed Certification Fee & Application Schedule. The Seed Certification Fee and Application Schedule of the Idaho Crop Improvement Association, Inc., as last modified and approved on July 11, 2014. (4-6-15)

~~03. Interagency Certification Regulations and Procedures. The Interagency Certification Regulations and Procedures of the Idaho Crop Improvement Association, Inc., as last modified and approved on April 6, 2006.~~
(4-6-15)

~~043. Idaho Alfalfa Certification Regulations in Idaho Standards.~~ The ~~Idaho~~ Alfalfa Certification ~~Regulations~~ Standards adopted by the Idaho Crop Improvement Association, Inc., as last modified and approved on ~~April 6, 2006~~ March 17, 2015.
(4-6-15)(5-20-15)T

~~054. Idaho Beans Certification Regulations in Idaho Standards.~~ The ~~Idaho~~ Beans Certification ~~Regulations~~ Standards adopted by the Idaho Crop Improvement Association, Inc., as last modified and approved on ~~December 12, 2009~~ March 17, 2015.
(4-6-15)(5-20-15)T

~~065. Idaho Red Clover Certification Regulations in Idaho Standards.~~ The ~~Idaho~~ Red Clover Certification ~~Regulations~~ Standards adopted by the Idaho Crop Improvement Association, Inc., as amended and approved on ~~April 6, 2006~~ March 17, 2015.
(4-6-15)(5-20-15)T

~~076. Idaho Chickpea (Garbanzo Beans) Certification Regulations in Idaho Standards.~~ The ~~Idaho~~ Chickpea ~~(Garbanzo Beans)~~ Certification ~~Regulations~~ Standards adopted by the Idaho Crop Improvement Association, Inc., as amended and approved on ~~April 6, 2006~~ March 17, 2015.
(4-6-15)(5-20-15)T

~~087. Idaho Grain Certification Regulations in Idaho Standards.~~ The ~~Idaho~~ Grain Certification ~~Regulations~~ Standards adopted by the Idaho Crop Improvement Association, Inc., as amended and approved on ~~March 10, 2014~~ March 17, 2015.
(4-6-15)(5-20-15)T

~~098. Idaho Grass Seed Certification Regulations in Idaho Standards.~~ The ~~Idaho~~ Grass Certification ~~Regulations~~ Standards adopted by the Idaho Crop Improvement Association, Inc., as amended and approved on ~~March 10, 2014~~.
(4-6-15)(5-20-15)T

~~109. Canola, Mustard and Idaho Rapeseed/Canola/Mustard Certification Regulations in Idaho Standards.~~ The ~~Idaho Rapeseed/Canola/Mustard~~ ~~and Rapeseed~~ Certification ~~Regulations~~ Standards adopted by the Idaho Crop Improvement Association, Inc., as amended and approved on ~~January 29, 2014~~ March 17, 2015.
(4-6-15)(5-20-15)T

~~110. Rules of Certification for Seed Idaho Potatoes in Idaho Certification Standards.~~ The ~~Rules of Certification for~~ ~~Idaho Seed~~ Potatoes ~~Certification Standards~~ adopted by the Idaho Crop Improvement Association, Inc., as amended and approved on ~~April 21, 2014~~ March 17, 2015.
(4-6-15)(5-20-15)T

121. Pre-Variety Germplasm Certification Regulations in Idaho. The Pre-variety Germplasm Certification Regulations adopted by the Idaho Crop Improvement Association, Inc., as amended and approved ~~April 11, 2014~~ March 17, 2015. ~~(4-6-15)~~(5-20-15)T

132. ~~Miscellaneous Crop~~ Idaho Lentil Certification ~~Regulations in Idaho~~ Standards. The ~~Miscellaneous Crop~~ Idaho Lentil Certification ~~Regulations~~ Standards adopted by the Idaho Crop Improvement Association, Inc., as amended and approved ~~April 6, 2006~~ March 17, 2015. ~~(4-6-15)~~(5-20-15)

13. Idaho Blue Flax Certification Standards. The Idaho Blue Flax Certification Standards adopted by the Idaho Crop Improvement Association, Inc., as amended and approved March 17, 2015. (5-20-15)T

14. Idaho Milkvech Certification Standards. The Idaho Milkvech Certification Standards adopted by the Idaho Crop Improvement Association, Inc., as amended and approved March 17, 2015. (5-20-15)T

15. Idaho Pea Certification Standards. The Idaho Pea Certification Standards adopted by the Idaho Crop Improvement Association, Inc., as amended and approved March 17, 2015. (5-20-15)T

16. Idaho Sanfoin Certification Standards. The Idaho Sanfoin Certification Standards adopted by the Idaho Crop Improvement Association, Inc., as amended and approved March 17, 2015. (5-20-15)T

17. Idaho Birdsfoot Trefoil Certification Standards. The Idaho Birdsfoot Trefoil Certification Standards adopted by the Idaho Crop Improvement Association, Inc., as amended and approved March 17, 2015. (5-20-15)T

18. Idaho White Clover Certification Standards. The Idaho White Clover Certification Standards adopted by the Idaho Crop Improvement Association, Inc., as amended and approved March 17, 2015. (5-20-15)T

19. Idaho Penstemon Certification Standards. The Idaho Penstemon Certification Standards adopted by the Idaho Crop Improvement Association, Inc., as amended and approved March 17, 2015. (5-20-15)T